

**ENTERED**

October 29, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

|                               |   |                                |
|-------------------------------|---|--------------------------------|
| ROBERT R. JONES III,          | § |                                |
|                               | § |                                |
| VS.                           | § | CIVIL ACTION NO. 3:20-CV-00142 |
|                               | § |                                |
| JESSICA MARIE MCCLEAN, ET AL. | § |                                |

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**


On May 4, 2020, all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(A). Dkt. 3. On October 9, 2020, Judge Edison filed a memorandum and recommendation (Dkt. 11) recommending that Defendant's Motion to Dismiss Against Jessica Marie McClean (Dkt. 9) be granted in part and denied in part.

On October 23, 2020, the plaintiff filed his objections to the memorandum and recommendation. See Dkt. 15. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; see also Fed. R. Civ. P. 72(b)(3).

The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. The court accepts Judge Edison's memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison's memorandum and recommendation (Dkt. 11) is approved and adopted in its entirety as the holding of the court; and
- (2) Defendant's Motion to Dismiss Against Jessica Marie McClean (Dkt. 9) is granted in part and denied in part. Specifically, McClean's request for relief under Rule 12(b)(5) is denied, giving Jones until December 7, 2020, to effect service. McClean's request for relief under Rule 12(b)(6) is granted as to the plaintiff's breach-of-contract claim against McClean, but all other claims for affirmative relief remain.

Signed on Galveston Island this 29th day of October, 2020.

  
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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE